

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DONALD O'BRYANT

PLAINTIFF

v.

CIVIL CASE NO. 4:17-CV-103-RP

**NANCY BERRYHILL,
Acting Commissioner of Social Security**

DEFENDANT

ORDER GRANTING MOTION TO REMAND

Plaintiff Donald O'Bryant filed suit seeking judicial review of the unfavorable decision of the Commissioner of Social Security denying plaintiff's claim for disability insurance benefits and supplemental security income. The Commissioner moved to remand under the fourth sentence of 42 U.S.C. § 405(g) due to the need of an additional hearing to obtain the testimony of Dr. Darrell Blaylock. Docket 18. The plaintiff has responded to the Motion to Remand, noting his objection to the remand, but failing to provide any legal basis upon which the court should deny the motion to remand. Because both parties have consented to have a magistrate judge conduct all the proceedings in this case as provided in 28 U.S.C. § 636(c), the undersigned has the authority to issue this opinion.

The Commissioner's Motion to Remand acknowledges that the case should be remanded to allow a supplemental hearing at which Darrell N. Blaylock, M.D. will testify and be cross-examined by the plaintiff. Docket 18. Although the plaintiff opposes the motion, the relief requested is essentially the same as that requested by the plaintiff in his filing dated February 6, 2018 (Doc. 16) – the opportunity to examine Dr. Blaylock. After reviewing the motion,

response and record, the undersigned concludes that remand is proper as the testimony of examining physician Dr. Darrell Blaylock is necessary to make a proper determination of plaintiff's abilities. The Commissioner's Motion to Remand is therefore GRANTED and this case is closed.

This, the 9th day of March, 2018.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE